Hepting et al v. AT&T Corp. Doc.

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN on Behalf of Themselves and All Others Similarly Situated, Plaintiffs, vs. AT&T CORP., AT&T INC. and DOES 1-20, inclusive, Defendants.	No. C-06-0672-VRW **DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO FILE THEIR DEMONSTRATIVE PRESENTATION FROM THE JUNE 23, 2006 HEARING UNDER SEAL**

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Defendant **AT&T CORP.** and specially appearing defendant **AT&T INC.**[1] hereby file this Response to Plaintiffs' Administrative Motion to File the Demonstrative Presentation Presented at the June 23, 2006 Hearing Under Seal ("Motion," Dkt. 286). Defendants do not oppose the Motion. Defendants are filing this Response to explain that at defendants' initiative the parties have begun to meet and confer in an attempt to agree to a redacted version of the Demonstrative Presentation that plaintiffs can file publicly. *See* Decl. of Jacob R. Sorensen In Supp. of Defs.' Response to Pls.' Mot. to File Demonstrative Presentation Under Seal, filed herewith, ¶ 2. If the parties are able to agree to a suitably redacted version of the Presentation, defendants will authorize plaintiffs to file it publicly. *Id.*[2]

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[1] AT&T Inc. is joining this Response only because it has been named as a defendant in this lawsuit. By joining this Response, AT&T Inc. does not concede that it is a proper party to this lawsuit or that it is subject to personal jurisdiction in this Court.

[2] In their Administrative Motion, plaintiffs contend that they "are awaiting a response to the proposed protective order they have submitted to Defendants . . . ." Motion at 1-2. The protective order is not relevant to the Motion. Because plaintiffs mention it in their Motion, defendants note that it was defendants who wrote the initial draft, which hewed closely to the Northern District's form protective order. Defendants transmitted their proposed order to plaintiffs shortly after the May 17, 2006 hearing in this action. Defendants were unable to get a response from plaintiffs for several weeks. Plaintiffs eventually did meet and confer with defendants, and transmitted to defendants a draft that substantially altered not only defendants' draft, but also several key elements of the Court's form order. If the parties are unable to resolve their disagreement on the protective order through the meet-and-confer process – which is ongoing – they may bring the matter to the Court's attention.

Dated: July 3, 2006.

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